

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATHEW J. TOMBERS, on behalf of himself
and all others similarly situated,

Plaintiff,

- against -

INDYMAC BANK, F.S.B.,

Defendant.

No. 08 Civ. 5068 (NRB) (JCF)

NOTICE OF APPEARANCE

TO THE CLERK OF THE COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that Dykema Gossett PLLC, by Richard E. Gottlieb, appears herein as counsel for defendant Federal Deposit Insurance Corporation, as Receiver for Indymac Bank, F.S.B., and requests copies of all pleadings and other documents electronically or otherwise filed herein.

Dated: August 1, 2008

DYKEMA GOSSETT PLLC

By: s/ Richard E. Gottlieb
Richard E. Gottlieb (RG-0935)
DYKEMA GOSSETT PLLC
10 South Wacker Drive, Suite 2300
Chicago, Illinois 60606
(312) 876-1700

Counsel for Defendant Federal Deposit Insurance Corporation, as Receiver for Indymac Bank, F.S.B.

CERTIFICATE OF SERVICE

I, Richard E. Gottlieb, am an attorney admitted to practice before this Court, and hereby certify that:

1. On August 1, 2008, I caused a true and correct copy of the Notice of Appearance to be electronically filed in the United States District Court for the Southern District of New York, thereby causing same to be electronically submitted to Plaintiff's counsel.

2. In addition, on August 1, 2008, the foregoing filing was served upon counsel for Plaintiff via e-mail.

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____/s/
Richard E. Gottlieb (RG-0935)